

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHAMIA WILSON, *et al.*,

Plaintiffs,

v.

McDONALD'S CORPORATION, *et al.*,

Defendants.

Case No. 14-11082

Honorable John Corbett O'Meara

**ORDER GRANTING
DEFENDANTS' MOTION TO DISMISS SECOND & FOURTH CAUSES OF ACTION**

This matter came before the court on Defendants' January 4, 2016 Motion to Dismiss Plaintiffs' Second and Fourth Causes of Action. Plaintiffs filed a response January 28, 2016; and Defendants filed a reply February 11, 2016. Oral argument was heard March 3, 2016.

The issue in Counts II and IV of this case involved the cost of employees' uniforms being deducted from their pay, which in some cases may have brought their effective wage rate below the minimum wage. Defendants Accell, Lee Enterprises, and MBM Management have tendered full payment in the amount of the underpayment alleged, as well as an equal amount in liquidated damages. Plaintiff Wilson received \$54.00, and plaintiff Jackson received \$70.00. It was determined that a third named plaintiff, Gordon, did not experience a uniform deduction.

In light of these payments, Defendants seek dismissal of Plaintiffs' second and fourth causes of action for lack of standing under Rule 12(b)(1) in failing to meet the case and controversy requirements.

Plaintiffs assert that Defendants’ “unilateral payments did not provide complete relief on Plaintiffs’ claims because they failed to account for Plaintiffs’ demand for reasonable attorney’s fees and costs.” Plaintiffs’ resp. br. at 1.

The United States Supreme Court has held that an “interest in attorney’s fees is, of course, insufficient to create an Article III case or controversy where none exists on the merits of the underlying claim.” Lewis v Continental Bank Corp., 494 U.S. 472, 480 (1980). See also Fialka-Feldman v. Oakland Univ. Bd. of Trustees, 639 F.3d 711, 714 (6th Cir. 2011). Therefore, the court will grant Defendants’ motion.

ORDER

It is hereby **ORDERED** that Defendants’ January 4, 2016 Motion to Dismiss Plaintiffs’ Second and Fourth Causes of Action is **GRANTED**.

s/John Corbett O'Meara
United States District Judge

Date: March 7, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on this date, March 7, 2016, using the ECF system.

s/William Barkholz
Case Manager